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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

NATIONAL ASSOCIATION FOR
GUN RIGHTS et al.,

Plaintiffs,

v.

ANNE E. LOPEZ, in her official
capacity as Attorney General for the
State of Hawai‘i,

Defendant.

Civil No. 1:22-cv-404-MWJS-RT

**JOINT STATUS REPORT;
CERTIFICATE OF SERVICE**

District Judge:

Hon. Micah W.J. Smith

Magistrate Judge:

Hon. Rom Trader

JOINT STATUS REPORT

Pursuant to this Court's July 22, 2024 Entering Order (ECF No. 92), the Plaintiffs NATIONAL ASSOCIATION FOR GUN RIGHTS, RONDELLE AYAU, and JEFFREY BRYANT and Defendant ANNE E. LOPEZ, in her official capacity as Attorney General for the State of Hawai'i, submit this Joint Status Report to update the Court on the status of the appeals in *Miller v. Bonta*, No. 23-2979 (9th Cir.), and *Duncan v. Bonta*, No. 23-55805 (9th Cir.), which present Second Amendment challenges to California's laws restricting assault weapons (*Miller*) and large-capacity magazines (*Duncan*).

1. As the parties informed the Court in their March 25, 2025 Notice of Decision (ECF No. 97), on March 20, 2025, the en banc U.S. Court of Appeals for the Ninth Circuit issued its decision in *Duncan*. The en banc Ninth Circuit held that California's law prohibiting the possession of large-capacity magazines capable of accepting more than 10 rounds of ammunition comports with the Second Amendment, reversed the district court's contrary conclusion, and remanded with the instruction to enter judgment in favor of the Attorney General of the State of California. The en banc Court also rejected plaintiffs' challenge to the law under the Fifth Amendment's Takings Clause.

2. On April 10, 2025, the en banc Court in *Duncan* granted appellees' unopposed motion to partially stay issuance of the mandate. *See* No. 23-55805,

ECF No. 94. The en banc Court stayed the mandate for 90 days, until July 9, 2025. *See id.* “If, within that [90-day] period, the Clerk of the Supreme Court advises the Clerk of [the Ninth Circuit] that a petition for certiorari has been filed, then the mandate shall be further stayed until final disposition of the matter by the Supreme Court.” *Id.*

3. On March 24, 2025, the Ninth Circuit panel in *Miller* ordered the parties to file simultaneous supplemental briefs addressing the impact of the en banc Court’s decision in *Duncan*. *See* No. 23-2979, ECF No. 66. The panel ordered that the parties file their supplemental briefs by April 23, 2025, *id.*, and both parties did so on that date, *id.* ECF No. 69; *id.* ECF No. 70. Upon submission of the parties’ supplemental briefs, the *Miller* panel resubmitted the case for decision. *Id.* ECF No. 66. The *Miller* panel has not yet issued a decision.

DATED: April 28, 2025

/s/ William J. Taylor, Jr.

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